

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ALEXANDER R. GIFFORD,

Plaintiff,

Case No. 20-12890

v.

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

JOE BIDEN,

Defendant.

ORDER ADOPTING REPORT & RECOMMENDATION

On October 22, 2020 Plaintiff filed a *pro se* civil complaint against Defendant. ECF No. 1. As explained by Magistrate Judge Morris, “Plaintiff has sued the former Vice President for his acts of commission or omission while serving as the Vice President.” ECF No. 7 at PageID.19. Specifically, Plaintiff states,

I feel we have a responsibility to elect the most qualified with least baggage and the most transparency. I am calling out candidate Biden as running a illegitimate campaign, knowingly deceiving the American public and with a platform of false pretense, allowing President Trump a pathway to re-election. I am disgusted!!!

ECF No. 1 at PageID.6. The Complaint was referred to Magistrate Judge Morris. ECF No. 4. Plaintiff was granted permission to proceed *in forma pauperis*. ECF Nos. 2, 5. On December 7, 2020, Magistrate Judge Morris *sua sponte* issued a report and recommended the case be dismissed. ECF No. 7. She explained that “Defendant is absolutely immune from suit. . . . I therefore conclude that dismissal is appropriate under 28 U.S.C. § 1915(e)(2)(B).” *Id.* at PageID.19.

Although the magistrate judge’s report states that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, neither party timely filed any objections. The election not to file objections to the magistrate judge’s report

releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal. *Id.*

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation, ECF No. 7, is **ADOPTED**.

It is further **ORDERED** that Plaintiff's Complaint, ECF No. 1, is **DISMISSED**.

Dated: January 15, 2021

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon **Alexander R. Gifford**, 9873 County Road 489, Atlanta, MI 49709 by first class U.S. mail on January 15, 2021.

s/Kelly Winslow
KELLY WINSLOW, Case Manager